

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE, <i>ex rel.</i>	§	
MATTHEW P. DENN, Attorney	§	No. 194, 2016
General of the State of Delaware,	§	
	§	Court Below—Superior Court
Plaintiff Below,	§	of the State of Delaware
Appellant,	§	
	§	C.A. No. S15C-11-015
v.	§	
	§	
HOMETOWN AMERICA	§	
COMMUNITIES, INC., a Delaware	§	
corporation,	§	
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: December 7, 2016  
Decided: December 12, 2016


Before **HOLLAND, VAUGHN**, and **SEITZ**, Justices.

**ORDER**

This 12<sup>th</sup> day of December 2016, this Court has considered this matter on the briefs and oral arguments by the parties and the supplemental filings on the question of mootness. We have conclude that this matter should be affirmed on the basis of the Superior Court's April 15, 2015 opinion, with one exception: the complaint should not have been dismissed with prejudice but rather with leave to file an amended complaint. In reaching that conclusion we do not decide the question of mootness but leave the matter for the Superior Court, if an amended complaint is filed and that issue is raised.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court is affirmed, except not with prejudice but with leave to file an amended complaint. This matter is remanded for further proceedings in accordance with this order.

BY THE COURT:

  
Justice